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RIGHT OF ENTRY FOR CONDITION BROKEN WITHIN THE RULE AGAINST PERPETUITIES. — A right of entry for condition broken is within the operation of the Rule against Perpetuities. At last that point has been directly passed on by an English court. *In re The Trustees of Hollis' Hospital and Hague's Contract*, [1899] 2 Ch. D. 540. There one Hollis by lease and release conveyed property in 1726 to trustees upon trusts for a hospital. The release contained a proviso that if the premises should be used for any other purposes they were to revert immediately to the right heirs of Hollis. In 1898 a contract was made by the trustees to sell part of the property so conveyed, and the purchaser contended that a good title could not be made because of the condition contained in the original release. The court, however, held that this was an express common law condition subsequent, that as such it was void as a perpetuity, and that, therefore, a good title could be passed. The views of Lewis, Sanders and Gray were sustained, and that of Challis rejected. As a matter of authority in England two *dicta* are to be found on the point; they suggest, in line with the present case, that such a future interest may well be within the Rule against Perpetuities. *Re Macleay*, L. R. 20 Eq. 186; *Dunn v. Flood*, 25 Ch. D. 629. In the United States, while there is practically no decision in which the objection of remoteness in a condition has been passed upon, yet there are many cases in which conditions obnoxious to the Rule have been upheld without that difficulty having been noticed at all. *Cowell v. Springs Co.*, 100 U. S. 55; *Guild v. Richards*, 16 Gray 309. The great weight of authority in this country, apparently without any consideration of the question, creates in this regard an arbitrary exception to the Rule against Perpetuities.

It is eminently satisfactory that the point has finally been carefully argued, judicially determined and a sound result reached. Where express or implied conditions were attached to a conveyance the grantor had a right to enter on breach of the condition, — this right was not dependent on tenure, and was not affected by the statute *Quia Emptores*. It has been argued that these interests are not within the Rule against Perpetuities, because they are common law interests and releasable. But common law interests may well be within the Rule, for instance the executory devise of a chattel real. And interests which are releasable are also not excluded from its operation. Great practical inconvenience must result from a doctrine opposed to the one in the present case, particularly in America, where the number of heirs from whom the owner must seek a release of this right increases greatly as time goes on. Gray, Rule against Perpetuities, §§ 299-311.

UNCONSTITUTIONAL LEGISLATION AS A DEFENCE. — The liability of an officer who executes a law which is later held void is one of the unsatisfactory phases of the American doctrine of unconstitutional legislation. It is a development of an older problem: the defence to a trespass afforded by judicial process. An officer is not protected in the execution of warrants which disclose on their face their invalidity. This is not, however, limited to defects of form. An excess of jurisdiction, not dependent on some error in the previous procedure, is said to appear from the face of the document since an officer of court is presumed to know the law. This reasoning, first applied to the common law limits of jurisdiction, has been extended, in most States, to an exercise of jurisdiction